

REMARKS

Claims 1-4, 9-12, and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hicks U.S. Patent 5,372,576, in view of Sun et al. U.S. Patent 6,600,085.

Claims 5-8, 13-16, 18-25 stand rejected under U.S.C. 103(a) as being unpatentable over Hicks and Sun in view of Lamont U.S. Patent 5,762,622. The Examiner points out in his item 18 that Lamont teaches the bottom-side of insole liner of a diabetic boot comprising a pair of pockets for receiving the heel and toe of insole (see fig. 6, reference object 72 and 74). Lamont's insole toe pocket at the toe extension portion is capable of accepting and securing the liner to the shell (see fig. 12, reference objects 12a and 24). Examiner avers that it would be obvious to one of ordinary skill in the art to modify the liner of Hicks and the absorbent article of Sun, in view of Lamont in order to provide the liner with a toe extension portion for the purposes of accepting and securing the liner to the shell.

In Applicant's invention the disposable liner 30 is a single piece having a toe pocket 40 and a leg pocket 42 that enables the disposable liner to extend from the toe extension portion 18 to the leg-engaging portion 12. Lamont's liner 12, as shown in fig. 6, can contain a hard insole that is inserted into pockets 72 and 74. In line 14, the toe end is identified as 64 and the heel end as 66, as shown in fig. 5. In column 5, lines 8-12, Lamont describes fig. 12 that the splint can be partially engaged in a fabric liner 12a, similar to a liner 12 shown in fig. 6. Thus, the splint foot-support sole section 84 is generally interchangeable with insole number 60, as regards the splint disposition in the boot. As

shown in fig. 12, liner cover 12a has a pocket, which would fit on the top of the leg portion of the splint. Fig. 12a seems to be different from 12, substantially in that 12a only has one pocket, while 12, as shown in fig. 10, has two pockets. It would be presumptuous to make the argument that 12a is like 12 and has two pockets, where only one is visible in fig. 12. One of the pockets would be at the top of the leg-engaging portion of the splint and the other would be in the heel area of the splint. Even so, Lamont does not teach that the liner extends from the toe area as a single piece to the leg-engaging portion of the splint. Clearly, Lamont teaches two separate liners; one covering the insole and the other covering the leg support. Lamont has identified the two liners as 12, which covers the insole 60 and 12a, which covers the leg support 84. The liner in Hicks' invention, as shown in fig. 2 and in fig. 5 and described in column 3, lines 3-16, has an opening 32 to accommodate the heel of the user when the device is attached to the leg and the foot of the user. As shown in figs. 4 and 5, the liner 30 has a pocket 34 provided at one end for receiving the upper marginal area of the leg-engaging portion 12, and a pocket 36 for receiving the forward end of the foot-supporting portion 14 of the structure 10. The Hicks' splint has a toe extension 70 and is provided with a cushioned cover 72, column 4, line 38. In both Lamont and in Hicks, the liner is comprised of two separate pieces, a leg engaging portion to the heel and an insole or toe portion. This is in contrast to Applicant's invention, which is a unified piece extending from the toe extension to the leg-engaging portion. Original claim 13 claims a disposable liner that is a single piece having a pocket at the leg portion and a pocket at the toe extension portion. The Examiner was in error in rejecting claim 13 as it being obvious to modify the liner of Hicks in view of Lamont, as both teach two-piece liners. Applicant's liner is disposable, and an obvious benefit of a disposable liner is that it

can be easily changed. Applicant's invention provides a disposable liner that is easy to change and has approximately half the number of pockets as the Lamont liners. Therefore, in addition to enabling a faster change-out, the liner should be less expensive to manufacture. Applicant has amended claim 1 to incorporate the limitation of claim 13. Similarly, claim 5 and claim 12 have been canceled as being redundant following the amendment of claim 1.

Independent claim 17 has been amended to include the limitations of claims 24 and 25, where the limitations are comparable to those of claims 12 and 13. Claims 24 and 25, therefore, became redundant and have been canceled. Claim 1 now includes the limitations of claims 5, 12 and 13. Claims 5, 12 and 13 have also subsequently been canceled.

In the official action, claim 17 was not rejected in view of Lamont, but only in view of Sun in light of Hicks. Applicant has presented arguments showing that Lamont and Hicks teach a liner having a different construction and, subsequently, the limitations taught by claims 24 and 25 have been rolled into independent claim 17. Therefore, with the amendment of claim 17 to include these limitations, all claims depending on independent claim 17 should be allowed, as claim 17 previously was not rejected in light of Lamont. The dependent claims include claims 18, 19, 20, 21, 22, and 23. All of these dependent claims should now be allowed.

Applicant has invented and disclosed and claimed in independent claim 17 a disposable liner that is suitable for an AFO / contracture foot splint device, wherein the liner has certain identified elements not taught by the prior art. This same liner is incorporated into claim 1, which is an AFO / contracture foot splint device utilizing the disposable liner. Currently amended independent claims 1 and 17, and their dependent claims are believed to overcome the Examiner's rejections. The remaining claims are believed to be in a condition for allowance and Applicant requests the Examiner to please withdraw his rejections in light of the arguments and the amendments.

No new claims have been added, therefore, there are no additional fees. The application is believed to be in condition for allowance and Applicants respectfully request that the application be allowed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "F. Rhett Brockington". The signature is fluid and cursive, with a large, stylized "F" and "B".

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